

# Land and Power in Contemporary Africa: Understanding Drastic Rural Changes in the Age of Land Reform

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## 1. Introduction

Drastic changes have recently been taking place with regard to land in Africa. Land related troubles, including large-scale land appropriation and serious land conflicts, have attracted worldwide attention. One of the most well-known examples was a scandal over a huge land deal in Madagascar, revealed in 2008, the year of food crisis, under which a Korean company had concluded a lease contract on 1.3 million hectares. The deal was severely criticized as “land grab”, thus leading to the collapse of Ravalomanana regime the following year. Large-scale land deals have been a matter of serious concern in recent Africa, as they will considerably constraint the land use of small farmers. As for land conflicts, they have provoked extreme violence, as witnessed in the civil war in Côte d’Ivoire and the post-election violence in Kenya. These land related problems including large-scale land deals and serious violence should not be considered as mutually disconnected phenomenon, but as a part of drastic rural transformation that is underway in Africa.

The period when Africa has seen these drastic rural changes overlaps with the period when African governments have launched land reforms. Since the 1990s, a number of African countries have formulated new land policies and revised existent land laws or adopted new ones. While backgrounds of these policy changes vary from one country to another, the direction of changes has been similar. Generally, they have been legal system reforms, claiming to strengthen tillers’ land rights, and have officially recognized customary rights and clarified rights for individuals as well as particular groups. We need to take seriously the facts that the above-mentioned drastic rural changes, which often threaten land use of small farmers, have taken place in the age of legal land reforms, advocating to strengthen tillers’ rights. This bitter irony calls for serious reflections.

The purpose of this paper is to reflect on the relationship between the wave of land reforms and drastic rural changes in recent Africa. In summary, this paper argues that the recent land reforms have had significant consequences for African state and society not only by contributing to promoting commercialization and privatization of the land, but also by enabling some African countries to strengthen the state control over rural societies. In the following section, this paper begins with clarifying backgrounds of recent simultaneous land law reforms. Then, main characteristics of recent rural changes will be sum-

marized. After examining the nature of recent land reforms on the basis of concrete cases, the paper explores the impact of the land reforms on rural changes. The discussion in this paper is mainly based on a research project and the case studies of ten African countries, namely Burundi, Democratic Republic of the Congo, Ethiopia, Kenya, Mozambique, Rwanda, Sierra Leone, South Africa, Tanzania, Zambia<sup>1</sup>.

## 2. Land reforms in Africa after the 1990s

The significance of land reforms in the context of development is quite obvious. In developing countries depending heavily on subsistence agriculture, the land is, for an overwhelming part of the population, the only property, a crucial means of production, and critical goods for survival. Therefore, in such countries, the structure of land tenure, such as a landlord–tenant system, determines the characteristics of the society. In addition, the land is often deeply related to identity and spirituality of people. Generally speaking, the land assumes a socio–political character rather than a simple economic good, and the nature of effective land ownership — whether it lies in the state, individuals or communities — determines the characteristics of the society. Therefore, the state–society relations tend to be reflected in institutions and property rights over land (Takeuchi 2014).

A land reform is an attempt to change institutions over land through policy interventions. Its objectives could be various including agricultural development and correction of social inequality. Such a variation is quite natural as the land is not a simple economic good. The purpose of the land reform carried out in Japan after the Second World War was not only addressing the inequality of land holdings to increase agricultural productivity, but also fostering middle–class farmers to prevent penetration of communism. The method of this land reform was the redistribution of land, confiscating land from landlords and distributing it to their tenants. The policy of land redistribution, which was also implemented in other Asian countries including South Korea and Taiwan, has been a main policy measure for a land reform until recently.

In Sub–Saharan Africa, just like in other regions of the world, the land question has been one of the most important issues in the development, and thus various policy measures have been taken since independence (Bruce 1988). What is important in the African context is the sweep of land reforms since the 1990s. Table 1 shows main land policies and land laws newly adopted after the 1990s. Obviously, a lot of African countries have introduced new policy measures over land. Another important point to make is that methods and contents of the land reforms in this period have been remarkably similar across African countries. Almost all of these land reforms have adopted different methods from above mentioned Asian countries. They have been related to laws and institutions rather than redistribution of land. Although a lot of African countries have launched land reform in this period, the only two countries, South Africa and Zimbabwe, have implemented land redistribution policies<sup>2</sup>. In all other countries, the land reform has only dealt with laws and institutions focusing on land rights under customary tenure.

The customary land tenure should not be understood as a simple “traditional” system. While it certainly includes elements of the precolonial land tenure system, it has been repeatedly reorganized and transformed since the colonial times (Chanock 1991). Separating the territory for Africans from that

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1 Analysis of this paper is based on a research project, funded by the Institute of Developing Economies - JETRO during 2015 and 2016, in which ten countries were selected for case studies by eight researchers.

2 As we discuss later, the Rwanda’s land sharing might be regarded as a redistribution policy. However, the government has never claimed it as a land reform.

for Europeans, the colonial authority stipulated that the former should be ruled by customary laws. In other words, the customary lands were placed out of the framework of state laws in the colonies. Private property rights were basically denied there and rights for redistribution and disposition of land were attributed to particular African actors such as families and traditional leaders.

This bifurcated land tenure system persisted in the post-colonial African states, in which rural areas, overwhelming part of the territory, were put under the customary land tenure. Land ownership in rural areas were nominally attributed to the state, but it can be substantially claimed by a variety of actors including traditional leaders, extended families, and individuals. In reality, the land has been held and cultivated mainly by nuclear families in the majority of agricultural areas in Africa, but it was also true that tillers' land rights were ambiguous. In the 1990s, when the marketization came to be actively promoted, it was argued that the ambiguities of tillers' land rights could lead to proliferation of land conflicts and hamper investment. In this context, opinion claiming that tillers' land rights should be clarified and strengthened came to be prevailing, thereby forming the background of the wave of land policy reforms.

### **3. Context of the land reform**

#### **(1) Internal contexts**

This section examines national and international contexts of the recent land reforms to explore reasons why a number of African countries simultaneously undertook reforms. International factors might be more important than national factors for explaining backgrounds of land reforms conducted through similar methods and in similar period. Nevertheless, this section begins with examining national factors, as motivations of the African side will matter in the later discussion.

Focusing on inherent factors of African countries, three reasons should be emphasized. First, it was compelling for some countries to revise their previous land policies that had produced fatal outcomes. African socialist countries like Tanzania and Mozambique had actively promoted villagization and collective farms in the 1970s. However, they had delivered so disastrous results that the governments were obliged to initiate argument for revision as early as in the 1980s. For these countries, new land reforms were indispensable.

Secondly, armed conflicts that took place frequently in this period in Africa were another important factor for land reform. Those who seize political power will make efforts to build a land tenure system that is advantageous for themselves. In fact, land reforms have often been carried out as a result of the revision of political order following armed conflicts. A good example is Rwanda, where the former rebels, Rwandan Patriotic Front (RPF), has carried out a series of land reforms following the victory in the civil war in 1994 (Takeuchi and Marara 2014). Through active interventions in land related matters, the RPF-led government has attempted to create a new property regime, corresponding to the new political order.

In Kenya, which was seriously destabilized by the Post-Electoral Violence during 2007 and 2008, land problems have been the central focus in negotiations for restoring the political stability. In this case, land reforms were urgently requested in order to solve the conflict. Although the land problem was

not the direct cause of the PEV, Kenyan political elites shared the perception that it is necessary to address them as they were a long-term cause of popular dissatisfaction.

Finally, drastic changes in politics and economy which took place in Africa since the 1980s have exerted crucial influence over the simultaneous and similar land reforms. In fact, African countries have seen dramatic policy changes in this period. In the 1980s, radical economic liberalization was started due to the introduction of the structural adjustment policies. The end of the Cold War brought about a rapid transition from one-party to multi-party system in a significant number of countries. Abolition of Apartheid regime in South Africa was also an extremely important event in this period. These macro-level drastic changes in political economy created historic opportunities for reviewing all fundamental policies, including land-related ones. In Africa, the state had exercised strong power over land. Until the 1980s, it was common that land ownership belonged to the state, that purchasing and selling of land were prohibited, and that individual land rights were ambiguous. In the context of the end of the Cold War, strongly promoting democratization and marketization, policies strengthening individual property rights came to be willingly accepted and adopted in African countries.

Introduction of policies aiming at reinforcing individual property rights was accelerated in the course of political change in the 1990s. As a result of Zambian multi-party election in 1991, newly established Movement for Multiparty Democracy (MMD) defeated United National Independence Party (UNIP), which had been the ruling party since independence, and formed the government. During the election campaign, the MMD promised to change the UNIP's socialistic policies and strengthen private property rights. Following the electoral victory, the MMD adopted a new land law in 1995, reinforcing individual rights over lands (Brown 2005).

## **(2) Promotion of land reform by the international community**

International factors have played significant roles in the African land reforms of this period. In fact, drastic policy changes in African political economy during the 1980s and the 1990s had been triggered by the pressure from the international community. It is not too much to say that the structural adjustment programs were imposed by the international financial institutions as a result of the failure of import substitution policies and the debt crisis. Also, the decisions of African countries to introduce multi-party system in the 1990s were strongly influenced by donors' new policy linking development aid with democratization efforts (Bratton and van de Walle 1997). While the liberalization of politics and economy formed the general background to the wave of land reforms in Africa, it was under the international pressure that African countries took decision of implementing the policies for liberalization.

Donors have ardently provided assistances to African countries launching land reforms on a rising tide of marketization and democratization. Moreover, they have inculcated their ideas and logics of land reform in African governments (Manji 2006). Generally, donors have promoted a land reform with two logics. First, securing tillers' land rights for increasing investments and improving productivity. This logic can be clearly read in the report of "Commission for Africa," which was set up on the initiative of the UK's Blair government. The report emphasized the necessity for land rights reforms, arguing that securing property rights would be indispensable for promoting investment, and thus for agricultural development. Considering the land registration as a precondition of land security, the report recommended to use the geographic information systems (GIS) as well as computers for reducing the cost. It argued that clarification of land

rights through the registration of each parcel would increase incentives for investment not only among farmers but also investors, and activate rural financial markets by making it possible to take loans while using parcels as collateral (Commission for Africa 2005 46, 223, 231). Presuming such a path for economic development, the establishment of private property rights has been considered as a key economic policy. The idea is a textbook-style policy for market-oriented economic growth. It is well known that de Soto (2000), a book advocating this line of development path, has been widely accepted by donors and has had a significant political influence.

Another logic promoting a land reform is the reduction of land conflicts and the improvement of governance. This logic can be found in the World Bank policy paper (Deininger 2003), which was published three decades after the previous policy paper on land (World Bank 1975). Contrary to the 1975 one, which focused exclusively on the establishment of private property rights as a method of securing land rights, the 2003 paper recognized that tillers' rights could be well secured under the customary land tenure system. It argued that customary lands had been generally well managed under traditional authorities and are equipped with conflict resolution mechanisms, and therefore that official recognition of the customary tenure would lead to low-cost and effective land management, thus stabilizing land rights for each member of the community. Considering the disappointing results of land registration policies carried out before the 1990s as well as theoretical development of economics, the 2003 paper emphasized the significance of officially recognizing customary land rights (Deininger and Binswanger 2001). It argued that tillers' rights will be secured regardless of land tenure system, if the legitimacy of their rights is willingly accepted among stakeholders and a sustainable land management mechanism exists. For establishing common understandings of legitimacy, a good governance will be a critical element. In short, the 2003 paper argues that governance matters.

Close relationship between land reforms and good governance has been recently stressed among World Bank researchers (Deininger and Feder 2009, Deininger, Selod and Burns 2012). They argue that constructing a mechanism for effective and equitable land management will contribute to not only securing land rights and increasing agricultural productivity, but also empowering the rural poor, enhancing gender equality, as well as successfully implementing policies regarding decentralization and peace-building. Here, the institutional land reform is considered as a measure boosting a good governance. The argument supposes that official recognition of customary land rights by the state will change the perception of local communities and make them see the state as legitimate, thus improving and stabilizing the state-society relations. In this logic, we can find the same line of arguments with donors' policies on the state-building, which has been mainstreamed in development aid since the 2000s (OECD 2008). Just like other issues for global governance in the post-Cold War period including democratization, decentralization, and peace-building, land reforms have been carried out under the strong influence of liberal democracy.

#### **4. Main features of rural changes in recent Africa**

Although African rural areas have been continuously transformed since long, recent changes are particularly rapid and even drastic with regard to land. In this section, main characteristics of recent rural changes in Africa are summarized.

##### **(1) Proliferation of large-scale land deals**

First and foremost, the number of large-scale land deals has tremendously increased in recent

years. Table 2, which was tabulated from data of the Land Matrix Global Observatory, clearly indicates to what extent large-scale land deals have been significant in Africa. The data are cumulative total amounts of land deals (982 contracts) reported to the Land Matrix as of February 2017. In some countries, the intended and contact sizes of land deals exceed considerably the size of cultivable lands, and they are significant even in comparison with total land area. In whole Africa, the area equal to a fourth of the total cultivable lands has been intended for deals, and contracts have been concluded for lands equivalent to 13% of them. The purpose of these investments includes producing crops as well as biofuels, cattle raising, and logging. The average size of the deals is as vast as tens of thousands hectares, and almost all of these deals started after the 2000s. It is clear that Africa has recently seen very drastic development of large-scale land deals.

The Land Matrix recognizes that accuracy of the data could not be completely ensured. Gathering information through media reports and various researches, its data tends to have a bias for larger land deals, which are likely to attract attention. In addition, there would be a gap between the time of a land deal and that of registration to the database. In spite of these drawbacks, the database is valuable for the overview of current land deals in Africa. Even taking the statistical limits into consideration, it is fair to say that huge amounts of agricultural investments have been carried out in Africa in recent period.

Since the 2000s, demand for African lands has risen sharply due to the significant increase of demand for food and energy. In this context, a huge swathe of land can be transferred to foreign investors in a short period, once African governments adopt policies promoting foreign investments. Having been elected President of Sierra Leone in 2007, E. B. Koroma launched policies for promoting foreign direct investments to the agricultural sector, thus actively encouraging agricultural investments (Ochiai 2017). As a result, it was estimated that “between 2009 and the end of 2012, foreign investors had taken out or were set to take out long leases (50 years with possible extensions) on at least 1,154,777 ha, about 21.4 per cent of the country’s total arable land for large-scale industrial agriculture” (Baxter 2013, 14). This commercialization of land with tremendous size and astonishing speed took place before the stipulation of the new land policy.

## **(2) Enclosure from below**

Secondly, African lands have been rapidly privatized and commercialized in recent years also by local initiatives. Above mentioned large-scale land deals have been basically carried out by external actors and came to be salient particularly after the global food crisis in 2008. However, commercialization and privatization of African lands have been also developed by actors coming from inside of African countries. The locally-driven rural changes with respect to lands have started much earlier than the rise of foreign direct investment. Woodhouse (2003) emphasized this point and argued, on the basis of case studies in Kenya, Botswana, Mali, and South Africa, that initiatives of African local communities, not the policy intervention, have played important roles to mobilize people’s investments over lands.

There are a lot of examples of the locally driven enclosure. The phenomenon has been quite salient in Kenya, where a series of policies for establishing private land rights have been taken since the 1950s. In Maasailand, for instance, the group ranching system, allocating a sizable amount of lands to a group, was introduced in the 1960s for the purpose of ensuring sustainable development of cattle raising. However, the group ranching system was later gradually eroded because members of the groups de-



manded to reallocate the group land for private uses of each member. In short, people preferred private use of land to the group ranching (Campbell 1993).

The locally driven enclosure can be found in many other countries in Africa. In Tanzania, Yasu (1999) reported that villagers planted trees around their fields for claiming a private rights, aiming at protecting their land ownership against the backdrop of interventionist *Ujamaa* policy. A drastic change of land use was reported by a researcher carrying out fieldwork in other areas in Tanzania (Yamamoto 2013). In her research area, seasonal wetlands that used to be reserved for communal use have been rapidly cultivated for private uses and have almost disappeared. Such “enclosure” movements are expanding against the backdrop of inherent transformation of the rural societies, of which population increase has been one of the main triggers.

Among our case studies, Zambia and DR Congo show clear examples of locally initiated enclosure. In Northeastern part of Zambia, not only villagers but also city residents have actively bought rural lands (Oyama 2017). Urban dwellers have purchased village lands for insurances, as their salaried works in the city tend to be vulnerable, and agriculture could still play an important role for their livelihood. The acquisition of land can be therefore regarded as an investment for their retired life. In addition, the price of rural land tends to be extremely low for salaried urban dwellers, thus facilitating the purchase of large plots in a village. My own fieldwork in Western DR Congo (Mai-Ndombe Province) has revealed that the enclosure has been observed even in remote villages, where access routes to urban areas are very poor and demand for land appears to be low. In the area, the villagers have voluntarily created enclosure for two decades for the purpose of cattle ranch and agricultural production for market.

In both Zambia and DR Congo, the enclosure by local initiatives began to be active from the 2000s. In case of Zambia, it is clear that the enactment of the 1995 Land Law, which has reinforced chiefs' authority, clearly facilitated this move. But the example of DRC shows that an enthusiasm for land acquisition has grown without recent policy factor<sup>3</sup>. In both cases, it seems that some astute villagers anticipate economic opportunities in the future and make enclosures with a speculative motive. The enclosure under local initiatives can be observed in many African countries and may result in a huge socio-economic gap in rural societies in a near future.

### **(3) Consequences of population increase**

Africa has been regarded as a land abundant and labor scarce area (Herbst 2000), but such a concept has turned out to be increasingly inaccurate. Land scarcity has come to be serious in many parts of the African continent including the Great Lakes region, Ethiopian highlands, Nigeria and Malawi, to mention a few. While influence of the population increase has been far-reaching as well as wide, one of the most conspicuous consequences would be that population movements of migrants and refugees have created serious tensions over land properties. This is the third feature of current rural changes in Africa. On the understanding that land is abundant, resettlement policies have been implemented in some countries including Ethiopia and DR Congo. In addition, protracted refugees and internally displaced people have often remained during long period in rural areas. Recently we have often witnessed cases, in which the changes in the composition of rural population, which had been caused by population movement,

3 In case of DRC, it was the 1973 Land Law (Loi no.73-021 du 20 juillet 1973 portant régime général des biens, régime foncier et immobilier, et régime des sûreté), stipulating the procedure for the acquisition of “concessions” for private use, that has given legal foundation on the enclosure.

have intensified tensions over land.

Cote d'Ivoire is one of typical cases. The country has experienced high economic growth since independence, sustained by the production of coffee and cacao. Their yields rapidly increased through the introduction of migrant workers from the North and the neighboring countries, thus expanding extensively production areas. After having worked a certain period of time as laborers, the migrant workers used to be able to obtain land ownership. While a lot of migrants flowed into Southern Cote d'Ivoire under this incentive structure, social tension rose up against the backdrop of sense of land scarcity and political power struggles, thus leading to the policy revision for restricting migrants' land rights (Boone 2014).

Serious land conflicts in the North Kivu in DR Congo have also a part of their roots in population movements. From the 1930s to the 1950s, the Belgian colonial authority promoted Rwandans to work in the Eastern DR Congo, as white settlers cultivating coffee in this area suffered from labor scarcity. In addition, huge number of Rwandan refugees flowed into the area following the political turbulence around independence. As a result, the number of Rwandans exceeded indigenous Congolese communities such as Hunde and Nyanga, thus creating deep dissatisfaction that they were deprived of their own lands. The tension over lands between these communities led to serious violence, which was severely aggravated by a series of wars in this region in the 1990s and continues until today.

In Africa, migrant groups could often enjoy land use rights in building cliental relationship with host communities. Although the relationship tends to be peaceful when land is abundant, it can turn out to be tense when they begin to feel land is scarce and/or political power struggle intensifies among politicians originated from the two communities. In recent period, Africa witnessed a number of conflicts between local communities, in which one group considering themselves as autochthones discriminates against others as strangers (Geschiere and Nyamnjoh 2000, Dunn 2009). In such a "politics of belonging", land rights have often been one of the most important factors creating tension between communities, as they can be used as a tool of classifying people into "us" and "them".

#### **(4) Strengthening traditional leaders**

Finally, there is a general tendency that traditional leaders have been empowered in recent Africa. While they have historically held considerable power over land, such a power has been often officially recognized and strengthened in the recent period. Traditional leaders have a number of appellations such as headmen, chiefs, and paramount chiefs, and their functions and scopes of power may considerably vary. One of their common characteristics is that their status was recognized and reorganized in the colonial period. Under the indirect rule, the colonial authorities utilized traditional leaders for the establishment of a stable ruling system and devolved ruling power to them, thus making them informal colonial state agents. Because of their intimate relationship with the colonial authorities, some post-colonial African countries, particularly socialist-oriented governments, took policies oppressing traditional leaders<sup>4</sup>.

Since the 1990s, such hostile policies against traditional leaders have been revised, and some

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4 In countries like Tanzania and Mozambique, the governments took decision to abolish the chieftainship just after independence. However, the policy did not necessarily deprive traditional leaders of their power, because many of them continued to work in local administrations. New African governments were compelled to employ them as their complete exclusion should paralyze local administrations.



governments recognized and reinforced their roles as well as their authority. For instance, the Ugandan constitution in 1995 endorsed the institution of traditional leaders<sup>5</sup>. While the constitution defined them as “cultural leaders”, it has promoted activities of groups based on ancient kingdom or ethnic communities including Buganda, Nyoro, Toro, Teso, and Acholi. The South African constitution in 1996 recognized “[t]he institution, status and role of traditional leadership, according to customary law, ..., subject to the Constitution”, and also customary law to be applied in the courts<sup>6</sup>.

While backgrounds of these recent decisions recognizing traditional leaders’ authority are various from one country to another, what is equally important has been the influence of a decentralization policy introduced since the 1990s in the context of democratization in Africa<sup>7</sup>. While these policies did not directly aim at reinforcing traditional leaders, their status has been often strengthened as the policies promoting delegation of political power to local actors.

## 5. Comparing land law reforms

Recent land reforms in Africa have advocated the strengthening of tillers’ rights and promoted the registration of land for this purpose. Even if customary land rights have been generally recognized in the reforms, the registration has been necessary for individuals or groups for claiming their rights and protecting them. In this context, African governments have carried out the systematic land registration or have encouraged the registration by facilitating the procedure. This section compares the recent land reforms in Africa, particularly in focusing on land registration, for the better understanding of their impact on drastic rural changes. Here, land reforms in ten case study countries (Burundi, Democratic Republic of the Congo, Ethiopia, Kenya, Mozambique, Rwanda, Sierra Leone, South Africa, Tanzania, Zambia) will be examined by three criteria: 1) whether or not the government has carried out institutional reforms of customary land tenure since the 1990s; 2) whether or not the government has implemented systematic land registration schemes in significant areas of the country; 3) whether or not traditional leaders play important roles in the procedure of land registration. The examination illuminates a considerable variation in recent land reforms, and contribute to make reflection on their relations with rural changes in later sections.

### (1) Reforms of customary land tenure

A number of African countries have implemented land reforms since the 1990s as shown in the first section. Among the ten case study countries, Burundi, Ethiopia, Mozambique, Rwanda, Tanzania, and Zambia have adopted new land laws in this period. All of these new land laws aimed at clarifying land rights for individuals and/or groups, and promoting land registration.

However, the other four countries (DR Congo, Kenya, Sierra Leone, and South Africa) have not implemented the reform. Among these countries, Sierra Leone, having already adopted a new National Land Policy in November 2015, will certainly start land law reforms in a near future. DR Congo has attempted to revise the land law since the mid 2000s but has failed due to political instability. In consequence, the land law enacted in 1973, recognizing private land ownership and particularly advantageous

5 Constitution of the Republic of Uganda, 1995. Art. 246.

6 Constitution of the Republic of South Africa, 1996. Art. 211 (1)(3).

7 The context is a bit different in case of South Africa, which recognized the roles of traditional leaders in integrating former Homeland and implementing decentralization policies (Bruce and Knox 2009).

for political elites, is still effective in the country. Kenya is a unique country in Africa, because it has implemented policies promoting privatization of lands since the 1950s. The policy providing strong private land rights began under the British colonial rule for the purpose of appeasing rural radicals (Mau-Mau rebels), and has been carried on after independence. Direction of the policy has not been revised thus far. Although these three countries have not carried out land reforms since the 1990s, their policy stances promoting clarification of land rights for individuals and/or groups are deemed similar to the above mentioned six countries.

As for South Africa, the story is a bit different, as problems with regard to customary lands in the country are inseparably related to integration of the former Homelands. The government enacted a law aiming at managing former Homeland areas in 2004 (Communal Land Rights Act, 11 of 2004. Hereinafter CLaRA), but the law could not be implemented because the Constitutional Court judged it as unconstitutional. Post-Apartheid South Africa has therefore no clear policy on customary lands so far. However, South Africa has taken a different stance from other African countries, as it has not been eager to promote large-scale agricultural investments in the former Homelands. As backgrounds of this policy stance, two points are deemed to be important. The first one is related to historical experiences. Considering that South Africans living in its rural areas have been exposed to harsh deprivation of land and properties since the colonial period, it is understandable that the post-Apartheid government has been reluctant to promote investments there. Secondly, a country, which does not rely on foreign assistance, can keep distance from donors' arguments for economic liberalization and promoting foreign investments. Consequently, South Africa has not seen rapid development of large-scale land deal and/or land privatization in the former Homelands.

## **(2) Systematic land registration**

Among the case study countries, the systematic land registration scheme has been implemented in only two countries: Rwanda and Ethiopia. While Rwanda has carried out the systematic land registration all over the country, it has been implemented only in Highlands in Ethiopia. Both of the two areas have extremely high population density and strong demands for the efficient land use. Undoubtedly, this has been an important background that two countries have been eager to carry out the systematic land registration. In addition, donors actively assisted both of the countries.

We need to pay attention to the fact that the governments of the two countries are led by former rebels, which seized power through military victory in civil wars. Ethiopian People's Revolutionary Democratic Front (EPRDF) and Rwandan Patriotic Front (RPF) won the war in 1991 and 1994, respectively, and have substantially monopolized political power since then. Because of the monopolization, political liberty has been severely restricted in both countries, but they have demonstrated strong capacity for policy implementation. While donors' assistance would have been indispensable, it is fair to say that their remarkable capacity for policy implementation enabled them to carry out the systematic land registration.

Comparison with Burundi would provide interesting insights on this point. Contrary to the two countries which have succeeded in obtaining donors' assistance for the systematic land registration, Burundi could not profit from such a benevolence, despite the fact that it is also an extremely densely

populated country<sup>8</sup>. The reasons for this difference are multiple, but the political structure could provide one of the more important explanations. In case of Rwanda and Ethiopia, the ruling parties, having had no serious internal opposition, could assign a high priority to the land-related issues, which were crucial not only for efficient land use but also for consolidating political power<sup>9</sup>. In post-civil war Burundi, the situation has been quite different, as its constitution adopted in 2005 stipulates a rigorous power sharing system, which has been a direct consequence of the peace agreement mediated by the international community (Takeuchi 2013). Under the power sharing system, Burundian political elites gave priority to struggle for state power rather than land problems. It is undeniable that Rwanda has been a “donor darling” and could get aid more easily (Marysse et al. 2006). However, the different nature of political power also mattered for the policy making.

### (3) Roles of traditional leaders

While African countries have recently promoted the land registration, its procedure varies significantly from one country to another. There are therefore various patterns of how traditional leaders involve in the procedure of land registration.

In Rwanda and Ethiopian highlands, where lands were systematically registered, the procedure was entirely conducted by governmental institutions such as local administrations. Roles of traditional leaders were thus negligible. In fact, in these two countries, traditional leaders had been already eliminated from the political scene due to revolutionary changes in the politics. In Rwanda, the traditional power structure controlled by Tutsi elites fell apart as a consequence of the “social revolution” around independence of 1962 (Lemarchand 1970). In Ethiopian highlands, traditional leaders lost their power during the Derg regime, which was established as a result of the coup d'état in 1974 and carried out harsh social remodeling under the Marxist-Leninist ideology.

The situation would be similar in Burundi. Unlike the two above-mentioned countries, Burundian traditional leaders had not been politically eliminated by the revolutionary movements<sup>10</sup>. Nevertheless, they lost power over land particularly because of high population density. As the population in-

8 Population density of Burundi has been as high as that of Rwanda. They exceed 400 persons per square kilometer in recent years (World Development Indicators).

9 This point is very clear for Rwanda. Following the victory in the civil war in 1994, the Rwandan Patriotic Front (RPF) launched a series of active land reforms (Takeuchi and Marara 2014). The first land reform that the new RPF-led government carried out was the land sharing, ordering the Hutu residents to transfer the half of their land property to Tutsi returnees. This radical land redistribution policy, which has significantly contributed to secure livelihood of the latter to the detriment of the former, was imperative for the RPF to take care of their main supporters. In addition, the RPF had a high capacity of policy implementation, as no opposing group substantially existed in the country following its military victory and the local administration, the de facto implementing agencies of the land sharing policy, was controlled by its supporters, namely Tutsi returnees and the genocide survivors. The RPF-led government could implement the radical land sharing policy on the basis of this favorable political power structure. The active interventions in land have been quite understandable considering the facts that the main supporters of the RPF have been Tutsi, the ethnic minority, and their core members including the RPF's leaders are former refugees, who had been compelled to reside outside of the homeland during a couple of decades.

10 It should be noted, however, that the Chiefdom, constituting the social basis of traditional leaders, had been abolished just before independence (in 1959) in Ruanda-Urundi (Burundi was administered by Belgium as a UN's trust territory with Rwanda between 1945 and 1962). Undoubtedly, the abolition weakened political influence of Burundian traditional leaders.

creases, availability of communal lands tends to decrease, thus reducing power base of traditional leaders. Currently, the land rights are substantially held by nuclear families in Burundi. The revised land law adopted in 2011 facilitated the land registration by providing the lowest administrative unit, colline, with bigger authority for registering land and issuing a certificate. It means that chiefs of the colline can play important roles in the land registration procedure. However, the colline chiefs today have generally nothing to do with traditional leaders.

While Tanzania has introduced a similar mechanism to Burundi's for the management of customary lands, it works differently. The 1999 village land act, stipulating the management of lands in rural areas, provided the lowest administrative unit, village, with the authority of land management. Precisely, the act recognizes the "village council" (an organization in charge of the administration of a village) to manage its territory by customary laws. This is a tricky provision. Tanzanian rural societies have been considerably transformed since the colonial period. Very roughly speaking, the indirect rule in the colonial times strengthened power of chiefs and contributed to the territorialization of their power. After independence, the country adopted the socialist policy and repressed traditional chiefs<sup>11</sup>. Villagization schemes under the Ujamaa policy also considerably transformed Tanzanian rural areas until the mid-1980s. However, the influence of traditional leaders has remained effective in rural areas. Unlike Rwanda and Burundi, Tanzania has a large territory and the extent of policy implementation has significantly varied. After the abolition of chiefdom in 1963, many traditional leaders joined in the bureaucracy and retained their influential power (Miller 1968). While the ruling party, CCM — former TANU, has continuously attempted to strengthen its control over the rural society since independence, it would be appropriate to assume that influence of traditional leaders still remain to some extent in Tanzanian "village council".

A number of African countries explicitly recognize roles of traditional leaders in the procedure of land registration. Mozambique is one of such cases. The traditional authority (*autoridade tradicional, réglo*<sup>12</sup>) is supposed to participate in a consultation, as a member of the "communal authority" (*autoridade comunitária*), for making a decision whether a title for land use rights (called DUAT) shall be provided. In other words, the traditional authority is officially recognized to be engaged in the procedure of land registration and have a certain power in the issuing process of DUAT. However, their substantial power over the decision making is problematic, as the communal authority includes not only the traditional authority but also other local stakeholders such as members of local administration. In addition, the communal authority tends to be politicized, as the FRELIMO, the ruling party, exerts strong influence over the other members of the communal authority (Aminaka 2017). Even if the role of traditional authority is explicitly recognized, Mozambican system of rural land management, which has been run under the close control of the ruling party, looks like those of Tanzania, Rwanda, and Ethiopia.

In some African countries, the recent land law reform clearly strengthened traditional leaders' power over land. Zambia is a typical case. Following the adoption of the 1995 Land Act, requiring consent

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11 Tanzania abolished the chief system by the African Chiefs Ordinance (Repeal) Act in 1963. Background of this act was that having had generally close relations with the colonial authority, the traditional chiefs took negative stances against the nationalist movement, TANU, which took power after independence.

12 "Réglo" is a traditional chief in Mozambique. The origin of current réglos can trace back to the appointment by the colonial authority. As a result of the reform of the colonial administration in 1907, new administrative units for Africans (*regedoria*) were created and réglos were appointed as heads of *regedoria*.

and approval of chiefs for the alienation of lands<sup>13</sup>, the power of traditional leaders for the distribution of lands has been reinforced. The chiefs' power over land has been so strong that some of them even issued their own "land allocation form", besides the "titles deed" issued by the government. In rural areas, the former tends to be more effective than the latter. Oyama witnessed on his research site that a chief nullified an official title deed owned by an outsider and permitted ordinary villagers to cultivate in the area (Oyama 2016).

Even if chiefs' roles are not stipulated in laws, their consent is often regarded as imperative for a deal of land. This is the case of Western DR Congo. The land law of the country does not have any provision with regard to traditional leaders. Nevertheless, to get an official certificate for a private farmland, the Congolese are required by local officials to show a letter of consent from a "land chief" (*chef de terre*), who has nominal ownership of the concerned area.

## 6. Land law reforms and rural changes

### (1) Effects on large-scale land deals

This section examines effects of land law reforms on recent rural changes. As mentioned earlier, Africa has seen the proliferation of large-scale land deals in the recent period. How can we evaluate effects of the land reforms? From Table 2, it seems difficult to find clear correlations between the land law reform and large-scale land deals. Comparing sizes of the contracted areas and the cultivable lands, we can understand that large-scale land deals have been actively carried out in countries like Republic of the Congo (the ratio attains 391%), Liberia (384%), Gabon (275%), DR Congo (163%), Sierra Leone (69%), Saô Tomé et Príncipe (57%), Mozambique (48%), Swaziland (23%), and Ghana (21%)<sup>14</sup>. These countries include not only those that have revised the land law but also those that have not, and it is at least clear that the land law reform did not hamper the proliferation of large-scale land deals.

The most important factor contributing to the increase of large-scale land deals seems to be a national economic policy. As the case of Sierra Leone (see section 4.(1)) clearly shows, such deals have significantly increased once African governments set policy promoting foreign direct investments. Since the 1990s, corresponding to donors' recommendations, many African countries have taken policy measures for the promotion of agricultural investments. In fact, developed countries have advocated the enhancement of the private sector for agricultural development in Africa<sup>15</sup>.

The land law reform has been also understood in the same vein. In fact, the land law reform has contributed to the large-scale land transfer. Implementation of new land laws has clarified and individualized land rights, particularly through the registration. The clarification and individualization of rights in African lands, which normally includes multiple right-holders, have facilitated the selling as well as the purchase of land. Although its role has been secondary rather than primary for explaining the rapid

13 Republic of Zambia, The Land Act, See for example, Part II, 3.(4)(b)(d) and 8.(2)(3).

14 The ratio of the contracted land to the cultivable land exceeds 20% in these nine countries. However, we need to be careful that countries with a large size of forest tend to be calculated as excessively high, because the definition of the cultivable size at FAO does not include the forest. In countries like the DR Congo, and Gabon, the majority of the land deals has been concessions for the production of timber.

15 This way of thinking can be clearly observed in the "New Alliance for Food Security and Nutrition", launched in 2012.

development of large-scale land deals, the implementation of the land law reform has contributed to enhancing commercialization of African land.

Another factor affecting the extent of large-scale land deals would be population density. Today, large-scale land deals involve basically customary lands that are currently not used as residential lots or farmlands (Alden Wily 2008). Customary lands have been functioned in a long period as a public goods for an entire community. These vacant lands tend to decrease as the population density increases, thus making large-scale land deals difficult to happen. There is a general tendency that they are not frequent in highly populated areas. This observation can be generally applicable for countries such as Rwanda and Burundi, although there are actually some cases of land grab (Ansoms and Hilhorst 2014). In fact, large-scale land deals can be made even in areas of high population density, as a number of large-scale land deals have taken place in Ethiopian highlands according to the Landmatrix. This shows that large-scale land deals can proliferate if the government implemented active policies for promoting foreign investments in such areas.

## **(2) Effects on state control over rural society**

Recent land law reforms have had another important effect on African state-society relationship. Through the legal reform, particularly by promoting the land registration, African states have often strengthened their control over rural society.

In Rwanda, recent land reforms have been closely linked with the state-building process led by the RPF, the former rebel and current ruling party (Takeuchi and Marara 2014). Following their victory in the civil war and seizure of the state power, the RPF distributed the land to their supporters (Tutsi returnees) through the policy of the “land sharing”. The land registration has not only strengthened the capacity of the administration for land management, but also officialized Tutsi returnees’ land rights obtained by the land sharing. In total, the RPF-led Rwandan government has increased its capability to control the rural society through the process of land reform. Ethiopia is another example of increased capacity for controlling rural areas through land reforms. Under the EPRDF regime, the country has rapidly promoted land registration in the highlands. In this process, the government has tightened controls over lands by providing local governments with authority to confiscate lands, which were supposed to be in ineffective use, and to redistribute them to others. In this case, land registration has been used by the government as a tool for strengthening its control over society.

It seems striking but clear that the land registration as well as the distribution of land titles in recent Africa have not strengthened private property rights. Rather, it has strengthened the power of the state and/or traditional leaders to control rural societies. Among our case studies, the policy of land registration has been carried out since the 1990s in Zambia, Ethiopia, Tanzania, Mozambique, and Rwanda. In all of these countries, the recent land law reform did not change the provision giving land rights to the state. In case of Ethiopia, the constitution stipulates that the land “shall not be subject to sale or to other means of exchange”<sup>16</sup>. In Zambia, the land reform has made chiefs’ power over land very strong to the extent that they issued their own land certificates and nullified effects of an official title deed. In this situation, it would be unavoidable that land rights of ordinary villagers depend substantially on their personal relationship with their chiefs. In other words, if their personal relationship with the chief deteriorates, their land rights are likely to be destabilized. All of above-mentioned cases show that following the land reform

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16 Constitution of the Federal Democratic Republic of Ethiopia, Article 40 (3).



and the land registration, there is a strong tendency to believe that individual land rights have most likely been politicized. Recent land reforms in African countries have hardly strengthened the private property rights, although they tend to advocate the contrary.

Boone distinguishes two different ideal types of property regime: one is “market-based” and the other is “authority-based” (2014, 21). In the former type of the property regime, production factors — namely land, labor, and capital — are distributed through competitive markets and the price mechanism. In the latter type, production factors are distributed through non-market mechanisms by political authorities. On the basis of these two ideal types, Boone argues that African lands have been generally managed under the “authority-based” property regime, in which the political authorities such as governments and traditional leaders have exerted strong influence over their distribution. In fact, until recently, lands under the private property rights were very rare and concentrated in Southern African countries, which were formerly dominated by white settlers.

Importantly, her arguments are still applicable to Africa even after a series of land reforms in these two decades. Following the recent land reforms, a number of African countries have implemented policy measures including a systematic land registration for the transformation of customary tenure. However, implementation of such policy measures does not mean that the African societies have turned into the “market-based” property regime. Even after the recent land reforms, African countries generally share characteristics of the “authority-based” property regime, in which political authorities such as the state and traditional leaders have strong influence over the distribution of land.

## Conclusion

Focusing the simultaneousness on land law reforms in Africa in the recent period, this paper has identified two particular effects on the rural society. Firstly, the land law reform, specifically the land registration, has facilitated a massive transfer of African land in a very short term. The reform has been founded on assumptions that clarifying and individualizing land rights would enhance investments and stimulate economic development. The assumption did not take into account weak governance of the African states as well as the tremendous power inequality between local farmers and external investors. Exposed to the world economy craving for lands to invest, Africa has seen a huge swathe of customary lands transferred to internal and external investors.

This is not necessarily to say that African countries have lost control over their own territories to the detriment of foreign private companies. On the contrary, a number of African governments have utilized the land law reform for strengthening their control over rural areas. Countries like Rwanda, Ethiopia, Mozambique, and Tanzania, in which the ruling parties maintain strong capability for controlling the society, took this opportunity of land reform not only to enhance efficient land use<sup>17</sup>, but also to consolidate their political power over rural societies. These countries have had therefore their own motivation for carrying out the land law reform.

In addition to these motivations, policies recognizing customary rights and of land registration

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17 Improving efficiency of land use has been a strong motivation for the land law reform for countries suffering from land shortage. These countries tend to have a great incentive for reducing idle lands and redistributing them for producers necessary for additional plots. Such intentions can be clearly observed in new land policies of densely populated countries like Rwanda and Ethiopian highlands. For enabling rational land management, the new policies have provided stronger authorities for the administration.

have indeed given to African political elites an opportunity for increasing their ruling power. Official recognition of customary land rights signifies that the state endorses the existent political order in the rural area, and has often strengthened political power of traditional leaders. In this context, the land registration, which has been promoted as an indispensable means for securing customary rights, has played an important role. The keener is a potential competition over land, the more important will be the function managing land-related matters such as conflict management and issue of certificates. As a consequence, the state administrations as well as traditional authorities dealing with land-related issues have often increased their controlling power over the society, as shown in the case studies of Zambia, Ethiopia, and Rwanda.

Consequences of the land law reform have been contrasting among these three countries in terms of the state power over the society. In Rwanda and Ethiopia, the states' capabilities for controlling lands have significantly increased through the reform, while Zambian land reforms have given strong power to traditional leaders. In other words, the land law reform in Zambia made the government delegate its power to traditional leaders. These two types, however, share the common characteristic: the land reforms have strengthened the existent political order either on national or local level. We could therefore argue that they have so far reinforced the existent "authority-based" property regime (Boone 2014).

While land titles have been actively distributed in the recent land reforms, it is debatable whether they will be able to guarantee stable land rights in the long run. As a great number of land titles have been rapidly provided during recent land reforms, it seems that legitimacy of these land titles tends to be closely associated with legitimacy of political authorities that issued them, namely the governments or traditional leaders. Land rights guaranteed by these titles will be effective as long as the political authorities are considered as legitimate and thus remain stable. However, once the political authorities lose legitimacy, it may undermine the legitimacy of the land titles. This point has been repeatedly proven in severe land conflicts, including those in the Eastern DR Congo and in Kenya during the Post-Election Violence. Therefore, it remains unclear for us to know what kind of capitalism will develop on the basis of these ambiguous property rights.

## Reference

- Alden Wily, Liz. 2008. "Custom and Commonage in Africa Rethinking the Orthodoxies." *Land Use Policy* 25(1) January: 43-52.
- Aminaka, Akiyo. (網中昭世) 2017. 「モザンビークにおける土地法の運用と政治力学」 武内進一編『現代アフリカの土地と権力』アジア経済研究所、pp.201-229.
- Ansoms, An and Thea Hilhorst. eds. 2014. *Losing Your Land: Dispossession in the Great Lakes*. London: James Curry.
- Baxter, Joan. 2013. *Who is Benefitting? The Social and Economic Impact of Three Large-Scale Land Investments in Sierra Leone: A Cost-Benefit Analysis*. ([http://greenscenery.org/sites/default/files/Document%20files/ALLAT\\_Sierra%20Leone%20Report\\_Final\\_12%20July%202013\\_11.pdf](http://greenscenery.org/sites/default/files/Document%20files/ALLAT_Sierra%20Leone%20Report_Final_12%20July%202013_11.pdf))
- Bratton, Michael and Nicolas van de Walle. 1997. "Democratic Experiments in Africa: Regime Transitions." In *Comparative Perspective*. Cambridge: Cambridge University Press.
- Brown, Taylor. 2005. "Contestation, Confusion and Corruption: Market-based Land Reform in Zambia." In *Competing Jurisdictions: Settling Land Claims in Africa*. Edited by S. Evers, M. Spierenburg and H. Wels, Leiden: Brill Academic Publishers, 79-102.
- Bruce, John W. 1988. "A Perspective on Indigenous Land Tenure: Systems and Land Concentration." In *Land and Society in Contemporary Africa*. Edited by R.E. Downs and S. P. Reyna. Hanover: University Press of New England, 23-52.
- Bruce, John W. and Anna Knox. 2009. "Structure and Stratagems: Making Decentralization of Authority over Land in Africa Cost-Effective." *World Development* 37(8) August: 1360-1369.

- Campbell, David J. 1993. "Land as Ours, Land as Mine." In *Being Maasai: Ethnicity and Identity in East Africa*. Edited by T. Spear and R. Waller. London: James Currey, 258-272.
- Chanock, Martin. 1991. "Paradigms, Policies and Property: A Review of the Customary Law of Land Tenure." In *Law in Colonial Africa*. Edited by K. Mann and R. Roberts. Portsmouth: Heinemann, 61-84.
- Commission for Africa. 2005. *Our Common Interest: Report of the Commission for Africa*. (<http://www.commissionforafrica.info/2005-report>)
- De Soto, Hernando. 2000. *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*. New York: Basic Books.
- Deininger, Klaus. 2003. *Land Policies for Growth and Poverty Reduction*. Washington D.C.: The World Bank.
- Deininger, Klaus and Hans Binswanger. 2001. "The Evolution of the World Bank's Land Policy." In *Access to Land, Rural Poverty, and Public Action*. Edited by A. de Janvry et al. Oxford: Oxford University Press, 406-440.
- Deininger, Klaus and Gershon Feder. 2009. "Land Registration, Governance, and Development: Evidence and Implications for Policy." *The World Bank Research Observer* 24(2)August: 233-266.
- Deininger, Klaus, Harris Selod and Anthony Burns. 2012. *The Land Governance Assessment Framework: Identifying and Monitoring Good Practice in the Land Sector*. Washington, D.C.: World Bank.
- Dunn, Kevin C. 2009. "Sons of the Soil' and Contemporary State Making: Autochthony, Uncertainty and Political Violence in Africa." *Third World Quarterly* 30(1) January: 113-127.
- Geschiere, Peter and Francis B. Nyamnjoh. 2000. "Capitalism and Autochthony: The Seesaw of Mobility and Belonging." *Public Culture* 12(2) Spring: 423-452.
- Herbst, Jeffrey. 2000. *State and Power in Africa: Comparative Lessons in Authority and Control*. Princeton: Princeton University Press.
- Lemarchand, René. 1970. *Rwanda and Burundi*. London: Pall Mall Press.
- Manji, Ambreena. 2001. "Land Reform in the Shadow of the State: The Implementation of New Land Laws in Sub-Saharan Africa." *Third World Quarterly* 22(3) August: 327-342.
- . 2006. *The Politics of Land Reform in Africa: From Communal Tenure to Free Markets*. London: Zed Books.
- Marysse, Stefaan, An Ansoms, and Danny Cassimon. 2006. "The Aid 'Darlings' and 'Orphans' of the Great Lakes Region in Africa." *IOB Discussion Paper, 2006-10*. Institute of Development Policy and Management, University of Antwerp.
- Miller, Norman. 1968. "The Political Survival of Traditional Leadership." *The Journal of Modern African Studies* 6(2): 183-201.
- OECD. 2008. *Concepts and Dilemmas of State Building in Fragile Situations*. Paris.
- Ochiai, Takehiko. (落合雄彦) 2017. 「シエラレオネにおける慣習的土地保有と大規模土地取得—土地改革で何が変わり、何が変わらないか」 武内進一編『現代アフリカの土地と権力』アジア経済研究所、pp.35-69.
- Oyama, Shuichi. 2016. "Guardian or Mifeasor? Chief's Roles in Land Administration under the New 1995 Land Act in Zambia." In *What Colonialism Ignored: 'African Potentials' for Resolving Conflicts in Southern Africa*. Eds by Moyo S. and Mine Y. Langaa Publishers. 103-128.
- Oyama, Shuichi. (大山修一) 2017. 「ザンビアの土地政策と慣習地におけるチーフの土地行政」 武内進一編『現代アフリカの土地と権力』アジア経済研究所、pp.71-105.
- Takeuchi, Shinichi. 2014. "Introduction: Land and Property Problems in Peacebuilding." In *Confronting land and property problems for peace*. Edited by S. Takeuchi. Oxon: Routledge, 1-28.
- Takeuchi, Shinichi. 2013. "'Twin Countries' with Contrasting Institutions: Post-Conflict State-Building in Rwanda and Burundi." In *Preventing Violent Conflict in Africa: Inequalities, Perceptions and Institutions*. Edited by Yoichi Mine, Frances Stewart, Sakiko Fukuda-Parr and Thandika Mkandawire. London: Palgrave-Macmillan, pp. 40-65.
- Takeuchi, Shinichi and Jean Marara. 2014. "Land tenure security in post-conflict Rwanda", In *Confronting Land and Property Problems for Peace*. Edited by S. Takeuchi, Oxon: Routledge, 86-108.
- World Bank. 1975. *Land Reform: Sector Policy Paper*. Washington, D.C.: World Bank.
- Yamamoto, Kana. (山本佳奈) 2013. 『残された小さな森—タンザニア 季節湿地をめぐる住民の対立』昭和堂.
- Yasu, Hiromi. 1999. "The Diffusion Process of planting (*Grevillea robusta*) among Rural Households in North-Central Tanzania." *African Study Monographs* 20(3): 119-145.

Table 1. Main land policies and land laws adopted after the 1990s in Africa	
Country	Main land policies and land laws adopted after the 1990s
Angola	Lei de Terras de Angola (2004)
Benin	Loi No.2013-01 du 14 août 2013 portant code foncier et domanial en République du Bénin
Botswana	Botswana National Land Policy (2002)
Burkina Faso	Loi n° 014/96/ADP portant réorganisation agraire et foncière au Burkina Faso (1996)
	Loi No.034-2009/an portant régime foncier rural (2009)
Burundi	Lettre de politique foncière (2009)
	Loi No. 1/13 du 9 août portant révision du code foncier du Burundi (2011)
Cameroon	Décret n° 2005/481 du 16 décembre 2005 modifiant et complétant certaines dispositions du décret n° 76/165 du 27 avril 1976 fixant les conditions d'obtention du titre foncier (2005)
Cote d'Ivoire	Loi n°98-750 du 23 décembre 1998 relative au domaine foncier rural (1998)
	Revision (2004, 2013)
Ethiopia	Federal Rural Land Administration Proclamation (1997)
	Federal Democratic Republic of Ethiopia Rural Land Administration and Use Proclamation (2005)
Gabon	Loi n°3/2012 du 13 août 2012 portant ratification de l'ordonnance n°5/2012 du 13 février 2012 fixant le régime de la propriété foncière en République gabonaise (2012)
Ghana	Ghana Land Policy (1999)
	New land law under discussion (as of 2016)
Kenya	National Land Policy (2009)
Liberia	Land Commission Act (2009)
	Land Rights Policy (2013)
	Land Rights Bill (under discussion as of 2016)
Malawi	Malawi National Land Policy (2002)
	Malawi Land Reform Programme implementation strategy, 2003-2007
	New land law under discussion as of 2016
Mozambique	Política Nacional de Terras (1995)
	Lei de Terras, Lei no.19/97 (1997)
Namibia	Agricultural (Commercial) Land Reform Act (1995)
	Communal Land Reform Act (2002)
	National Land Tenure Policy (2005)
Rwanda	National Land Policy (2004)
	Organic Law No. 08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda (2005)
Senegal	Loi d'orientation agro-sylvo-pastorale (2004)
	Loi n° 2011-07 du 30 mars 2011 portant régime de la propriété foncière (2011)
Sierra Leone	National Land Policy (2015)
South Africa	Restitution of Land Rights Act 22 of 1994 (1994)
	White Paper on South African Land Policy (1997)
	Communal Land Rights Act 11 of 2004 (2004, suspended)
South Sudan	The Land Act (2009)
Tanzania	National Land Policy (1995)
	Land Act (1999)
	Village Land Act (1999)
	National Land Use Framework Plan 2013-2033, (2013)
Uganda	Land Act 1998 (1998)
	National Land Use Policy (2007)
	The Uganda National Land Policy (2013)
Zambia	Land Act (1995)
	National Land Policy (under discussion as of 2016年)
Zimbabwe	Land Acquisition Act (1992)
(Source) Made by the author.	

Table 2. Size of large-scale land deals in Africa										
	num ber	Intended size (A) (1,000ha)	Contract size (B) (1,000ha)	Cultivable size(C) (1,000ha)	Population density (person/Km <sup>2</sup> )	A/C (%)	B/C (%)	Total land area (D) (1,000ha)	A/D (%)	B/D (%)
Algeria	1	31	0	7,496	17	0%	0%	238,174	0%	0%
Angola	27	541	186	4,900	20	11%	4%	124,670	0%	0%
Benin	9	360	250	2,700	96	13%	9%	11,276	3%	2%
Botswana	1	40	25	272	8	15%	9%	27,360	0%	0%
Burkina Faso	3	402	203	6,200	32	6%	3%	56,673	1%	0%
Central African Republic	2	14	14	1,800	8	1%	1%	62,298	0%	0%
Cote d'Ivoire	12	689	174	2,900	71	24%	6%	31,800	2%	1%
Cuinea Bisau	1	1	1	300	66	0%	0%	2,812	0%	0%
DR Congo	65	11,912	11,589	7,100	34	168%	163%	226,705	5%	5%
Egypt	10	180	164	2,738	92	7%	6%	99,545	0%	0%
Ethiopia	118	3,881	1,411	15,119	99	26%	9%	100,000	4%	1%
Gabon	6	1,325	894	325	7	408%	275%	25,767	5%	3%
Gambia	2	230	30	440	197	52%	7%	1,012	23%	3%
Ghana	54	3,087	969	4,700	120	66%	21%	22,754	14%	4%
Guinea	8	2,639	210	3,100	51	85%	7%	24,572	11%	1%
Kenya	26	962	317	5,800	81	17%	5%	56,914	2%	1%
Liberia	20	2,104	1,921	500	47	421%	384%	9,632	22%	20%
Libya	1	40	0	1,720	4	2%	0%	175,954	0%	0%
Madagascar	47	3,584	607	3,500	42	102%	17%	58,180	6%	1%
Malawi	13	315	142	3,800	183	8%	4%	9,428	3%	2%
Mali	28	1,330	446	6,411	14	21%	7%	122,019	1%	0%
Mauritania	3	18	5	450	4	4%	1%	103,070	0%	0%
Mauritius	2	4	4	75	622	5%	5%	203	2%	2%
Morocco	7	720	704	8,045	77	9%	9%	44,630	2%	2%
Mozambique	134	4,704	2,699	5,650	36	83%	48%	78,638	6%	3%
Namibia	15	117	30	800	3	15%	4%	82,329	0%	0%
Niger	4	35	31	15,900	16	0%	0%	126,670	0%	0%
Nigeria	57	1,818	840	34,000	200	5%	2%	91,077	2%	1%
Republic of the Congo	8	2,618	2,148	550	14	476%	391%	34,150	8%	6%
Rwanda	7	118	26	1,183	471	10%	2%	2,467	5%	1%
Sao Tome et Principe	1	5	5	9	198	57%	57%	96	5%	5%
Senegal	31	902	310	3,250	79	28%	10%	19,253	5%	2%
Sierra Leone	33	2,253	1,087	1,584	89	142%	69%	7,218	31%	15%
South Africa	14	394	281	12,500	45	3%	2%	121,309	0%	0%
South Sudan	22	4,220	2,703	28,533	19	15%	9%	64,433	7%	4%
Sudan	36	4,905	713	17,220	22	28%	4%	186,148	3%	0%
Swaziland	4	55	40	175	75	31%	23%	1,720	3%	2%
Tanzania	67	1,521	357	13,500	60	11%	3%	88,580	2%	0%
Tunisia	2	19	3	2,853	71	1%	0%	15,536	0%	0%
Uganda	26	1,158	193	6,900	195	17%	3%	20,052	6%	1%
Zambia	46	1,880	617	3,700	22	51%	17%	74,339	3%	1%
Zimbabwe	9	589	413	4,000	40	15%	10%	38,685	2%	1%
Total	982	61,717	32,764	242,697		25%	13%	2,688,148	2%	1%
(Source) Tabulated by the author from data of Land Matrix Global Observatory. ( <a href="http://landmatrix.org/en/">http://landmatrix.org/en/</a> ) (Downloaded 19 February 2017)										
(Note) 1) Data on cultivable land and total land area was used from World Development Indicators.										
2) Total land areas of Sudan and South Sudan were taken from the data										
3) Population density was calculated on the basis of the data (year 2015) provided by World Development Indicators, except Sudan and South Sudan whose data was taken from the Central Intelligence Agency, The World Factbook. ( <a href="https://www.cia.gov/library/publications/resources/the-world-factbook/">https://www.cia.gov/library/publications/resources/the-world-factbook/</a> accessed 1 December 2016)										